REMARKS

1. Rejection under 35 USC 112, second paragraph

The Office action incorrectly maintains a former rejection under 35 U.S.C. 112, second paragraph, contending that claim 3 has no antecedent basis for "said Immigration Authority." Applicant filed responsive amendments in Reply A to rejections under 35 U.S.C. 112, second paragraph. The amendments in Reply A included an amendment to claim 3 deleting a reference to "an immigration department" for which there is no antecedent basis, and replacing this reference with "said Immigration Authority," for which there was antecedent basis. In a final Office action, the rejection regarding claim 3 was maintained. After the final Office action, dated April 14, 2004, Applicant therefore initiated a telephone interview, which occurred on April 29, 2004. Examiner advised Applicant in the interview that the amendments of Reply A overcame all the rejections under 35 USC 112, second paragraph, and that the rejections were officially withdrawn. The interview, including the conclusion stated by the Examiner, was documented in a written Interview Summary that was filed by Applicant in a facsimile transmission on May 26, 2004. Applicant pointed this matter out once again in an Appeal Brief, which led to the present Office action. Now, the rejection is repeated again in the present Office action.

In summary, Applicant's efforts to resolve this matter have included: i) Reply A, ii) the telephone interview, iii) the written interview summary, iv) the Appeal Brief, and v) the present reply. If, despite these efforts, there is still some issue concerning reference to "said Immigration Authority" in claim 3, then Applicant respectfully requests that the Examiner spell out specifically what it is that Applicant has failed to do to overcome the rejection, or else the rejection should not again be repeated.

2. Rejections under 35 U.S.C. 103(a)

Claims 1 through 10 are pending in the application. All 10 claims stand rejected under 35 U.S.C. 103(a) in view of the combination of Vatican, Travelocity, Pass and Official Notice. Applicant respectfully contends the rejection is improper for the following reasons.

a. Vatican does not apply as prior art.

If a publication does not include a publication or retrieval date, it cannot be relied upon as prior art. Manual of Patent Examining Procedure ("MPEP"), Section 2128. The Internet publication referred to as "Vatican" does not have a publication date, a retrieval date, or even a copyright date, much less any such date that precedes the filing date of the present application. Therefore, Vatican does not qualify as prior art with respect to the present patent application.

b. Travelocity is actually two references, and the one relied upon for the rejection does not apply as prior art.

The Office action refers to two cited documents as a single document, the Travelocity reference. One of these documents, URL "http://archiebonkers.com/ Sstorefronts/travelctr.html" (referred to hereinafter as "Travelocity1"), has a copyright 1999 date, which the Office action relies upon for both documents. (Travelocity1 has no specific publication date.) However, the other document, URL "http://travel.travelocity.com/car/CarRequets.do?Service= BF001986158361430243O&SID=" (referred to hereinafter as "Travelocity2"), does not have a publication date, a retrieval date, or even a copyright date, much less any such date that precedes the filing date of the present application. It is a teaching in Travelocity2 that the Office action relies upon for the rejection. Since Travelocity2 does not have a publication date, a retrieval date, or even a copyright date that precedes the filing date of the present application, it also does not qualify as prior art with respect to the present patent application. Thus, the Office action has *not* established that the teaching relied upon in the Travelocity publication is teaching that is in the prior art.

c. Pass does not apply as prior art.

For the following reasons, the Office action fails to establish that the material relied upon by the Examiner in the Internet publication referred to as "Pass" was published before the filing date of the present application. First, Pass has no publication date or retrieval date. It *does*, however, have a list of years in a copyright notice. The list of copyright years in Pass indicates that the form or content of Pass changed over the years it was published. That is, if the document was published in the same form all those years, it would just have one copyright date on it. Second, the most recent one of the years listed in the copyright notice of the Pass Internet publication is the year 2000. So the year 2000 version of Pass, which is relied upon for the

rejection, clearly has material in it copyrighted in the year 2000 that was not in the older versions, or at least is not in the same form as the older versions. In other words, on the face of the document, it appears Pass has material in it that was published for the first time in the year 2000. The very paragraphs in Pass that the Office action relies on for the rejection may be material published for the first time in the year 2000. Third, the year 2000 copyright notice on Pass indicates that the document was possibly published as late as December 31, 2000. It does not establish any earlier date of publication for the year 2000 version of Pass. Since the present application was filed on October 8, 2000, well before the December 31, 2000, indicated date of publication of Pass, the Office action has *not* established that the newest material in Pass, which may be the material relied upon for the rejection, was published before the filing date of the present application. Therefore, the entirety of Pass cannot be relied upon as prior art in the present case, and the Office action has *not* established that the teaching relied upon in Pass for the rejection is teaching that is in the prior art.

d. The use of Official Notice is incorrect.

First, there is an apparently erroneous reference to "Fairfield" in item 13 of the present Office action. The Office action does not state that the rejection relies upon the Fairfield reference.

Second, while it may have been well known to merely use a security pouch at the time the present application was filed, as the Office action contends, there is nothing in this teaching or any of the teachings cited, and there is no indication or motivation in any of the teachings cited that suggests using a security pouch in the manner claimed in the present case, wherein an invalid pass is issued to a participant in advance of an event, and then, at or proximate the event, the non-valid pass is validated for the participant, where the validating at or proximate the event includes securing the pass in a security pouch. See, for example, claim 1. Likewise, there is nothing in the teaching of the Official Notice or any of the teachings cited, and there is no indication or motivation in any of the teachings cited that suggests a non-valid pass issued to the participant forms a first portion of a valid pass, a non-valid pass produced for an organisation forms a second portion of a valid pass issued to the organisation, and the validating in step e) uses both the first and second portions of the pass. See, claim 9. For example, this may include securing both non-valid passes into the security pouch to form a valid pass.

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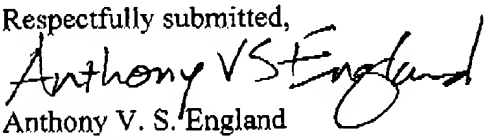
PRIOR ART OF RECORD

Applicant has reviewed the prior art of record cited by but not relied upon by Examiner, and asserts that the invention is patentably distinct.

REQUESTED ACTION

Applicant contends that the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,



Anthony V. S. England
Attorney for Applicants
Registration No. 35,129
512-477-7165
a@aengland.com